IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 15232 of 2007(L)

PETITIONERS:
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1. **VINI. V.P., L.D.CLERK,**
   I.C.D.S., THALIKULAM,
   P.O.ENGANDIYOOR, THRISSUR DISTRICT.

2. **CENO XAVI C.J., L.D.CLERK,**
   I.C.D.S., PAZHAYANNUR,
   CHELAKKARA P.O., THRISSUR DISTRICT.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY TO GOVERNMENT, LOCAL SELF
   GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF SOCIAL WELFARE,**
   VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. **THE DISTRICT SOCIAL WELFARE OFFICER,**
   THRISSUR.

4. **SMT.RAGAPRIYA, L.D.CLERK,**
   DISTRICT PROBATION OFFICE, THRISSUR.

5. **SRI.JAYAKUMAR, L.D.CLERK,**
   I.C.D.S., CHERPU, THRISSUR DISTRICT.

6. **SRI.RAVIKUMAR, CLERK-TYPIST,**
   JUVENILE HOME, THRISSUR.

7. **SMT.ELIAMMA, CLERK-TYPIST,**
   I.C.D.S., CHALAKKUDY, THRISSUR.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.15232/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT.19.4.01 ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE ORDER, G.O. DT.4.7.2000 ISSUED BY THE GOVERNMENT.

EXT.P3:- COPY OF THE LIST OF L.D. CLERKS SENT BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.

EXT.P4:- COPY OF THE ORDER, G.O. DT.2.3.07 ALONG WITH THE LIST ISSUED BY THE GOVERNMENT.

EXT.P5:- COPY OF THE REPRESENTATION DT.19.3.07 SUBMITTED BY THE 1ST PETITIONER.

EXT.P6:- COPY OF THE REPRESENTATION DT.12.3.07 SUBMITTED BY THE 2ND PETITIONER.

EXT.P7:- COPY OF THE COMMUNICATION DT.12.3.07 ISSUED BY THE C.D.P.O.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 15232 OF 2007-L

JUDGMENT

The petitioners are L.D. Clerks working in the Department of Social Welfare in Thrissur district. Now, they are sought to be deployed to the Department of Local Self Government under Ext.P4 order. This writ petition is filed, alleging that while retaining their juniors like respondents 4 to 7, it is not proper to deploy them.

2. Ext.P4 order is issued to post fresh hands to the Department of Local Self Government to work in the place of the persons repatriated to their parent departments on completion of the tenure of two years. The petitioners have already preferred Exts.P5 and P6 representations against their deployment. By Ext.P7 communication, the representations submitted by the petitioners through proper channel have been forwarded by their Controlling Officer to the Director of Social Welfare, Thiruvananthapuram.

3. Heard the learned Government Pleader for the official respondents. The existing incumbents in the Local Self Government Department who were deployed earlier, have to be repatriated on completion of two years service, in public interest and in exigencies of service. Naturally, others

should be posted in their place, so that the developmental activities do not suffer. Therefore, Ext.P4 deployment order is issued in public interest and in exigencies of service. If there is any irregularity in the deployment, the affected party has to move the competent authority and seek relief. As stated earlier, the petitioners have already filed Exts.P5 and P6 representations. Therefore, the 2nd respondent is directed to look into those representations and if their grievance is correct, the said officer shall move the 1st respondent within one month from the date of production of a copy of this judgment for appropriate modification of Ext.P4. In that event the 1st respondent shall pass orders in the matter within one month from the date of receipt of the files from the 2nd respondent.

The Writ Petition is disposed of as above.

1st June, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/